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January 25, 2017

VIA ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Trevon Gross*, 15-cr-769 (AJN)

Dear Judge Nathan:

We write in response to the government's motion at Docket No. 346 seeking reconsideration of one aspect of the Court's January 17, 2017 Memorandum Opinion and Order. In the opinion, the Court held that Exhibit G, the Letter of Understanding and Agreement ("LUA") between Hope Federal Credit Union and the National Credit Union Administration ("NCUA") was inadmissible hearsay as a fact finding of a public agency and unduly prejudicial. The government now seeks to admit the document on an alternative basis as a party admission. Exhibit G does contain action items that the board of directors of Hope FCU agreed to follow, however it is clear from the document that the board members never agreed to or adopted the NCUA's finding themselves. These findings are inadmissible for the reasons set forth in the Court's January 12, 2017 Order. To strike a balance between the inadmissible and prejudicial findings and the agreed-upon action items, we propose that the document be admitted with the NCUA's findings redacted, and the action items the board members agreed to take admitted. We have proposed redactions in yellow highlighter.

While we understand that there is a presumption of public access to Exhibit G, *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 127 (2d Cir. 2006), the Court has ruled that this exhibit should remain under seal. Accordingly, we write seeking permission to file our exhibit with the proposed redactions under seal. We will provide the proposed redacted exhibit to the Court via email and will send a courtesy copy to the court.

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Thank you for your attention to this matter.

Respectfully submitted,

s/ Kristen M. Santillo

KRISTEN M. SANTILLO